

12.537 MOBILE VIDEO RECORDING EQUIPMENT

References:

Procedure 12.205 - Traffic Enforcement
Procedure 12.535 - Emergency Operation of Police
Vehicles and Pursuit Driving
Procedure 12.715 - Property and Evidence:
Accountability, Processing,
Storage, and Release
Standards Manual - 41.3.8

Purpose:

To establish policy regarding the use of mobile video/audio recorders in Department vehicles.

To establish policy regarding the storage, release, and retention of mobile videotapes.

Policy

Utilizing Mobile Video Recording (MVR) equipment will facilitate the Department's objectives to: collect evidence for criminal prosecution, provide an administrative inspection function, and assist in training officers to improve safety and tactics.

Video/audio tapes are the property of the Cincinnati Police Department (CPD) and are not to be duplicated and/or used without authorization from the Police Chief or his designee.

Original MVR tapes will not leave the custody of the Police Department. The CPD will retain and preserve tapes for at least 90 days, or as long as necessary for the incident subject to investigation. MVR tapes held as evidence by districts/sections/units will be held by that unit for the prescribed retention period. Any requests for copies of the held MVR tape will be forwarded to the district/section/unit holding the MVR tape. When the retention period for the held MVR tape is complete, the unit holding the MVR tape will return it to the Supply Unit for redistribution.

Officers who fail to use the MVR equipment as required or fail to report damage to the MVR equipment are in violation of the Manual of Rules and Regulations for the Cincinnati Police Department.

Procedure:

- A. Officers will adhere to the procedures listed below when operating/utilizing MVR equipment:
1. MVR equipment installed in a vehicle is the responsibility of the officer assigned to that vehicle and will be operated according to manufacturer's recommendations.
 2. Prior to leaving the district/section/unit, officers must determine whether their MVR equipment is working satisfactorily and bring any problems to the attention of their supervisor immediately.
 - a. Officers will complete the "In-Car Camera" portion of their Daily Activity Record, Form 436A.
 - b. Officers will check the tape left on the installed videocassette to ensure there is an adequate amount available for the duration of the shift.
 - 1) The tape counter which appears in the top left corner of the screen indicates the amount of tape used. The maximum "count" for a tape is 12,000 (6 hours).
 - 2) If the tape counter has reached a count of 10,000 or above, the officer will notify a supervisor to have the tape changed.
 - c. If during their tour of duty, the MVR or audio equipment malfunctions, officers must notify their supervisor.
 3. If the 30-minute warning light begins to flash during the shift, the officer will respond to the district/section/unit as soon as possible to request a tape change.
 - a. Officers will inform their supervisor of any videotaped sequences that may be of value for training purposes.

4. MVR equipment will automatically activate when the vehicle's emergency lights are activated. Officers must ensure video and audio recording equipment is activated when operating in emergency mode and when participating in traffic stops and pursuits.
 - a. The camera must be positioned and adjusted to record events appropriately.
 - b. The wireless microphone must be manually turned on.
 - c. Recording will continue until the traffic stop is completed and the stopped vehicle departs, or until the officer's participation in the traffic stop ends.
 - d. The equipment may be manually deactivated during non-enforcement activities such as protecting accident scenes from other vehicular traffic.
 - e. Officers must notify their supervisor if they become aware that a traffic stop or pursuit was not recorded.
5. When practical, officers will use their MVR equipment to:
 - a. Record requests for consent to search a vehicle, deployments of drug-detection canines and vehicle searches.
 - b. Record incidents in which the prisoner being transported is violent.
6. Officers may also use their MVR equipment to:
 - a. Record the reason for their current or planned enforcement action.
 - b. Record the actions of suspects during interviews or when placed in custody.
 - c. Record the circumstances at crime and accident scenes or other events such as the confiscation and documentation of evidence or contraband.

- d. Record the audio portion of a conversation with a citizen.
 - 7. Officers will only use videotapes issued by the Cincinnati Police Department.
 - a. Officers will not erase, alter, or tamper with MVR tapes.
 - 8. Each MVR equipped vehicle must have a warning posted on the interior of the divider, facing rearward, which advises the rear seat passenger(s) that everything they say or do may be recorded.
- B. Tape Control and Management:
- 1. Except as indicated below, MVR tapes will be stored at the district/section/unit.
 - 2. Access to MVR tapes will be restricted to supervisory personnel only.
 - 3. All original MVR tapes will be stored for 90 days following the last day of use.
 - 4. MVR tapes will be stored/separated in the following categories:
 - a. Assigned MVR Tapes:
 - 1) Each vehicle will have 30 MVR tapes assigned to it, labeled with the equipment number and tape number. (e.g.: 98300-1.....98300-30).
 - 2) Each vehicle will have a "Video Tape Log", Form MVR-1, to track tape changes and 90-day retention dates. The log must be kept secured with the MVR tapes.
 - 3) MVR Tapes will be changed when:
 - a) The MVR tape counter reads 10,000 or above at the beginning of the shift.
 - b) The 30-minute warning light begins to flash during the shift.
 - c) The MVR tape needs to be removed for viewing or copying purposes.

d) There is a malfunction of the MVR tape.

e) Directed by a supervisor.

b. Spare MVR Tapes

- 1) Each district/section/unit will have 20 spare MVR tapes available, labeled with the MVR tape number (e.g.: Spare-1 - Spare-20).
- 2) Spare MVR tapes are to be used in place of an "Assigned MVR Tape" when the 90-day retention period has not been met.
- 3) A "Spare MVR Tape Log", Form MVR-2, will be completed to track the use of spare MVR tapes and their retention dates.

c. Court MVR Tapes:

- 1) When MVR tapes are held for court, the officer or supervisor will submit a Videotape Records Request, Form 606.
 - a) One copy of the MVR tape will be made and processed as normal evidentiary material in accordance with Procedure 12.715.
 - b) Copies of MVR tapes must include a portion of video from directly before and after the incident in order to be considered a "certified" copy for court.
 - c) Retain the Form 606 at the district/section/unit to track copied MVR tapes.
 - d) The officer will mark all related documents with "ACE" to alert the Prosecutor or investigator that a copy of the tape is available. "ACE" will only be indicated when the officer holds an MVR tape as evidence.

C. Request for tapes:

1. Due to the training and evidentiary nature of MVR tapes, any request(s) for a MVR tape must be made prior to the end of the 90-day retention period.
2. Requests for copies of MVR tapes originating from within the Department must be submitted on a Videotape Records Request, Form 606, to the district/section/unit where the MVR tape is assigned or stored.
 - a. The original MVR tape must be retained at the district of assignment, except when needed as "best evidence" for an investigation by Homicide Unit, Internal Investigations, or Inspections Sections.
 - 1) Document MVR tapes taken as best evidence on a "MVR Tape Custody Log", Form MVR-3, at the district/section/unit of assignment.
 - 2) A best evidence MVR tape will not be returned to the district of assignment. The district/section/unit taking custody is responsible for its final disposition.
 - 3) Label a blank tape with the same equipment and tape number, and put back into rotation.
 - b. Officers requesting copies of MVR tapes for personal use must submit their request through Records Section.
3. Requests from outside of the Department must also be submitted on a Videotape Records Request through Records Section to the district/section/unit maintaining the original tape.
 - a. When a request for a MVR tape is made from outside of the Department, a second copy of the MVR tape will be made and maintained in a file at the district for one year.
4. Duplicate MVR tapes will be made only after the approval of the unit OIC.

5. Additional blank tapes can be obtained at the Supply Unit.

D. Supervisory Responsibilities:

1. All district supervisors will:
 - a. Ensure officers follow established procedures for the use and maintenance of MVR equipment, tapes, and the completion of MVR documentation.
 - b. Ensure the 90-day retention period has been met before installing the next sequential tape.
 - 1) If the tape is available for use, it must be completely rewound and erased before re-installing into the VCR.
 - 2) If the 90-day retention period has not been met, the next sequential spare tape must be used instead.
 - c. Fill out the videotape or spare tape log completely and accurately each time a tape is changed.
 - d. Assign police vehicles with faulty MVR equipment only as a last resort.
 - 1) The exception to this is the assignment of scout cars or other vehicles which are unable to be outfitted with MVR equipment.
 - 2) Supervisors will note in their rounds why equipment without functioning MVR equipment was used.
 - e. Supervisors will conduct periodic and random reviews of videotapes for training and integrity purposes.
 - 1) Supervisors conducting these reviews will document their activity in a logbook.
 - 2) Supervisors will conduct periodic and random inspections of MVR equipment to confirm it is in proper working order.

2. Each district/section/unit will designate one supervisor to be in charge of MVR equipment and tape log maintenance. The MVR supervisor will ensure:
 - a. Every 30 days, an audit of the videotape and spare tape logs is conducted, and all tapes assigned to a district/section/unit are accounted for. Any discrepancies will be brought to the attention of the district/section/unit commander.
 - 1) Any tape found during this audit that has been retained for more than 90 days will be manually erased and returned to the tape rotation.
 - b. Damaged or nonfunctional MVR equipment is tracked and sent for repair or replacement.
 - c. Assigned tapes are replaced as necessary to maintain video clarity. Tapes used more than four times should be checked to ensure they are not deteriorating.
 - 1) Districts 1, 4, and Traffic Unit will replace all assigned tapes by April 1 during even-numbered years.
 - 2) Districts 2, 3, 5, and Park Unit will replace all assigned tapes by April 1 during odd-numbered years.
 - 3) Spare tapes will be replaced after ten rotations.
3. During monthly vehicle inspections, the Vehicle Inspection Supervisor will inspect MVR equipment to ensure the correct date and time are displayed on the monitor.
4. Each relief OIC will review two randomly selected videotapes per week for training issues. Results will be noted in their rounds.
5. Supervisors will review the MVR tapes in all cars of all officers listed in any CPD report regarding any incident involving:

- a. Injury to Prisoners.
 - b. Use of Force.
 - c. Injury to Officers.
 - d. Vehicle Pursuits.
 - e. Police Officer Needs Assistance Runs.
 - f. Citizen Complaints.
6. All reports related to the above incidents should indicate "MVR Review" and if evidence was found.
- E. Maintenance, Repair, and Replacement:
- 1. Take malfunctioning Mobile Vision In-Car Video Camera Equipment to the Municipal Garage for repair.
 - a. Officers will initially respond to the Light Car Shop and may be directed to the Radio Shop.
 - 2. Municipal Garage is the liaison with Mobile Vision Incorporated and will conduct all repair and replacement of MVR equipment.
 - 3. The storage, distribution, and tracking of MVR equipment and repairs will be designated in the district/section/unit SOP.